

REMARKS

Applicants have carefully studied the outstanding Office Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Applicants thank the Examiner and Examiner Thanhnga Truong for the courtesy of an interview granted to Applicants' representative, David Zviel, registration number 41,392, on 30 October 2007. In the interview, the substance of which is included in the Interview Summary, the invention as claimed in claim 83 was discussed in detail. The Examiner pointed out certain minor issues in claim 83 that might relate to 35 USC 101 and 35 USC 112. The Examiner also requested that claim 83 be amended in order to improve the clarity thereof. Claim 83 has been amended to overcome the minor issues discussed and to improve the clarity thereof.

In the outstanding Office Action the Examiner takes the position that abbreviations "ECM", "EMM", "VEMM", and "VECM" should be fully spelled out. The abbreviations ECM (Entitlement Control Message) and EMM (Entitlement Management Message) have been spelled out by amending claims 98 and 99 respectively; since the abbreviations are fully spelled out in the application, the amendments do not affect the patentability of claims 98 and 99.

The terms "VEMM" and "VECM", while not explicitly defined in the specification, are used extensively throughout the specification and are deemed to be clearly defined by their use therein; the terms "VEMM" and "VECM" are not abbreviations as such, but rather are terms which are intended to refer to messages, used in various embodiments of the present invention, which are analogous in certain ways to EMMs and ECMs respectively. See MPEP 2111.01:

The specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, according to the usage of the term in the context in the specification. See *Phillips v. AWH Corp.*, 415 F.3d 1303, 75

USPQ2d 1321 (Fed. Cir. 2005) (*en banc*); and *Vitronics Corp. v. Conceptronic Inc.*, 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996).

Applicants therefore respectfully suggest that no amendment is required with respect to the terms VEMM and VECM.

Claims 1 - 3, 29, 30, 32 - 39, 43 - 47, 49 and 50 stand rejected under 35 USC 102(e) as being unpatentable over US Published Patent Application 2002/0116622 of Okaue et al.

Claims 1 - 3, 29, 30, 32 - 39, 43 - 47, 49 and 50 have been cancelled without prejudice.

Claims 4 - 28, 31, 40, 42, 48 and 83 - 117 stand rejected under 35 USC 102(e) as being unpatentable over Okaue et al in view of US Patent 6,971,008 to Waslilewski et al.

Okaue et al describes a data processing system including ciphering, deciphering, and deciphering key control.

Waslilewski et al describes a conditional access system including EMMs, ECMs, and deciphering key control and delivery.

Claims 4 - 28, 31, 40, 42, and 48 have been cancelled without prejudice.

The Examiner's rejection of claims 83 - 117 is now respectfully traversed.

Applicants do not agree with the Examiner's rejection of claim 83 before the present amendment. Nevertheless, in order to facilitate the allowance of the present application, claim 83 has been amended, as discussed above, in accordance with the Examiner's suggestions during the interview discussed above. The recitation of claim 117 has been written into claim 83, and claim 117 has been cancelled. The other amendments to claim 83 comprise reorganizing and clarifying the language of claim 83.

It is respectfully submitted that numerous elements recited in amended claim 83 are neither described nor suggested in either Okaue et al or Waslilewski et al. Therefore, *a fortiori*, the combination claimed in amended claim 83 is neither described nor suggested in either Okaue et al or Waslilewski et al,

taken separately or together. In particular, at least the following elements of amended claim 83 are not found in either Okaue et al or Wasilewski et al:

“... a plurality of recipient modules comprising:

a first plurality of security-element recipient modules; and
a second plurality of non-security-element recipient modules,

said first plurality of security-element recipient modules differing from said second plurality of non-security-element recipient modules in that each of said first plurality of security-element recipient modules includes a smart card operative to process the entitlement information received from the head-end and produce therefrom a key for accessing the protected content ... wherein

the head-end sends the entitlement information both to the security server and to at least some of the plurality of recipient modules, and

in a first mode of operation, at least one of the second plurality of non-security-element recipient modules receives a first key in a multiple key hierarchy via said secure communication channel, and

in a second mode of operation, said at least one of the non-security-element recipient modules receives the protected content and an encrypted key, said encrypted key being a second key in said multiple key hierarchy, said at least one of the non-security-element recipient modules being operative to utilize the first key to decrypt the encrypted key to form a decrypted key, said at least one of the non-security-element recipient modules only being capable of accessing the protected content with said decrypted key, and

said first key and said second key are prepared by said security server based, at least in part, on the entitlement information sent by the head-end.”

Amended claim 83 is therefore deemed allowable.

Claims 98 and 99 have been amended as described above.

Claims 84 - 116 depend directly or indirectly from amended claim 83 and are therefore deemed allowable.

Claim 117 has been cancelled.

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

3 December 2007

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